

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1 and 3-12 are pending in this application. Independent Claim 1 is the only independent claim. By this Amendment, Claims 1, 3, 4, 6 and 9-12 are amended, and Claim 5 is canceled without prejudice. Claim 1 is amended to incorporate the subject matter of Claim 5. No new matter is added.

Claims 1, 9 and 10 are amended to obviate the rejection of these claims under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1 and 5-12 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 4,447,230 to Gula et al. ("Gula"); and Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) in view of Gula and U.S. Patent No. 4,734,091 to Boyle et al. ("Boyle"). The rejections are respectfully traversed.

Independent Claim 1 now recites a liquid transfusing tube set wherein, *inter alia*, in a condition where one of the male connector and the female connector of the connector of the liquid transfusing tube and the liquid dosing part side connector of the liquid dosing part are connected with each other, the other of the male connector and the female connector of the connector of the liquid transfusing tube is connectable to another liquid transfusing tube, and the other of the male connector and the female connector of the connector of the liquid transfusing tube is exposed as an open connection port to receive a male or female connector of the another liquid transfusing tube.

The Official Action takes the position that Gula's through tube 78 corresponds to the claimed at least one liquid transferring tube, and that the tee fitting 26

corresponds to the claimed connector at the end of the tube. The Official Action interprets the opposing vertical ends of the tee fitting 26 shown in Fig. 1 of Gula as corresponding respectively to the claimed male and female connectors having axes that substantially coincide with each other. In this regard, the Official Action says that the axis of the through tube 78 is substantially orthogonal to the axes of the opposing vertical ends of the tee fitting 26 at the point where the tube 78 meets the tee fitting 26, i.e., at adapter 28 (see page 4 of the Office Action). Further, the Official Action says that the assembly from the bag fitting 12 to the male luer lock adapter 22 corresponds to the claimed liquid dosing part capable of being connected to one of the vertical ends of the tee fitting 26 (i.e., the upper vertical end of the tee fitting 26 as illustrated in Fig. 1 of Gula).

However, in this configuration, the other vertical end of the tee fitting 26 (i.e., the lower vertical end) is connected to another tee fitting 26 or a fluid filter 32. The other vertical end of the tee fitting 26 (i.e., the lower vertical end) is not exposed as an open connection port to receive a male or female connector of another liquid transfusing tube as defined in independent Claim 1 at issue here.

The Official Action also states that in the case where male luer lock adapter 22 is attached to adapter 28 instead of adapter 24, adapter 24 would be open to receive another male luer lock adapter (see page 5 of the Office Action). In this case, however, the through tube 78 would then be connected to one of the opposing vertical ends of the tee fitting 26 rather than to the adapter 28. In such a configuration, the axis of the through tube 78 would be *parallel* to the axes of the opposing vertical ends of the tee fitting 26. The axis of the through tube 78 would be not be substantially *orthogonal* to the axes of the opposing vertical ends of the tee fitting 26 as defined in independent Claim 1.

Thus, Gula fails to disclose, in combination with the other recited features, that in a condition where one of the male connector and the female connector of the connector of the liquid transfusing tube and the liquid dosing part side connector of the liquid dosing part are connected with each other, the other of the male connector and the female connector of the connector of the liquid transfusing tube is connectable to another liquid transfusing tube, *and the other of the male connector and the female connector of the connector of the liquid transfusing tube is exposed as an open connection port to receive a male or female connector of the another liquid transfusing tube* as recited in independent Claim 1.

Because of the combination of recited features, an open port for connection of another liquid transfusing tube is always present, and the possibility of the number of the connection ports being insufficient upon a sudden change in the condition of the patient is reduced. Accordingly, the liquid transfusing line (liquid transfusing route) can be extended quickly and assuredly (see Figs. 1-3 and lines 12-22 on page 28 of the present application). In Gula, the number of tee fittings 26 is limited to the number existing when the intravenous administration set 10 is assembled.

Accordingly, independent Claim 1 is patentable over Gula for at least the above reasons.

Claims 3, 4 and 6-12 are patentable over the applied references at least by virtue of their dependence from allowable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejections is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 28, 2010

By: /David R. Kemeny/
Matthew L. Schneider
Registration No. 32814

David R. Kemeny
Registration No. 57241

Customer No. 21839
703 836 6620